



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LIN-WOOD EDUCATION ASSOCIATION, NEA-
NEW HAMPSHIRE

Complainant

and

LIN-WOOD SCHOOL BOARD AND NORMAN H.
MULLEN, In his capacity as Superintendent

Respondents

CASE NO. T-0204:6

DECISION NO. 82-12

APPEARANCES

Representing the Complainant, Lin-Wood Education:

John Fessenden, UniServ Director, Region V NEA
Louella LaBrie

Representing the Respondents, School Board and Superintendent:

Stephen U. Samaha, Esq., Counsel
Norman H. Mullen, Superintendent

BACKGROUND

This case involved the non-renewal of a teacher in the Lin-Wood School District and was originally heard by hearing officer, Edward J. Haseltine on October 16, 1981 who found no unfair labor practice. Mrs. LaBrie, a non-tenured teacher, had been notified by letter prior to the District Meeting that her contract would not be renewed for the 1981-82 academic year.

On December 18, 1981, representative for Mrs. LaBrie filed an appeal pursuant to Section 6.1 of PELRB's Rules and Regulations and a hearing was granted and held on February 11, 1982.

Counsel for the Respondents objected to a full hearing after the hearing officer's decision had been handed down and felt the testimony should be limited in scope and stated that the Complainant had failed to provide a clear and concise statement on the grounds for the request for a hearing. Objection to the de novo hearing was noted, however, the Board proceeded to hear all the evidence as they had in past cases on appeals from hearing officers' decisions.

Representative for the Complainant based his case on the fact that even though Mrs. LaBrie had received notice of her non-renewal, she was in fact renominated and re-elected to a teaching position at the District Meeting when the Superintendent recommended that the Board accept the nomination of the present teaching staff (of which Mrs. LaBrie was a member) for the 1981-82 academic year and the Board unanimously accepted.

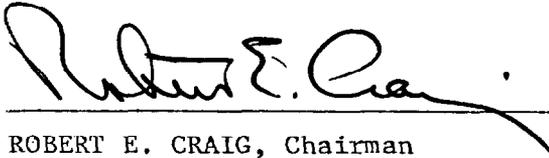
Evidence was also presented involving a case heard by the Department of Education which resulted in the reinstatement of a "tenured" teacher to full time employment, overturning the Lin-Wood School Board's decision to elect the teacher to a part-time rather than full-time teaching position.

Counsel for the Respondents offered in evidence statistics on the declining enrollment and budgetary cuts which necessitated the reduction in staff, results of the telephone poll of board members, and the recommendation on cutting of three and a half positions by the Superintendent. In addition, he emphasized the differences between the case before the Department of Education and its Rules and Regulations and the the case before PELRB and its Rules and Regulations.

DECISION AND ORDER

After considering all the oral and written evidence, the Board finds as follows:

1. Proper notification of the non-renewal for the academic year 1981-82 was given to Mrs. LaBrie, in writing, prior to the Annual Meeting.
2. The technical error made at the Annual Meeting should not bind the School Board to the renewal of a teacher's contract after proper notification has been given.
3. PELRB reaffirms the hearing officer's decision, No. 81-63, issued December 11, 1981 and finds no unfair labor practice in this case.


ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 3rd day of March, 1982

By unanimous vote. Chairman Craig presiding. Members Mayhew, Osman and Anderson present and voting. Also present, Executive Director LeBrun